

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PIANTONI GOREA,	:
	:
Petitioner	: No. 4:CV-06-625
	:
v.	: Petition filed 3/27/06
	:
UNITED STATES DISTRICT COURT	: (Judge Muir)
FOR THE DISTRICT OF CALIFORNIA,	:
	:
Respondent	:

PIANTONI GOREA,	:
	:
Petitioner	: No. 4:CV-06-0804
	:
v.	: Petition filed 4/18/06
	:
JOHN ASHCROFT, ET AL.,	: (Judge Muir)
	:
	:
Respondents	:

ORDER
May 18, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On April 18, 2006, Petitioner, Piantoni Gorea, an inmate at the York County Prison, York, Pennsylvania, filed to Case No. 06-804 a petition for writ of habeas corpus pursuant to 28 U.S.c. § 2241. Petitioner filed an application to proceed in forma pauperis. Also, Gorea previously filed a petition for writ of habeas corpus in the United States District Court for the Central District of California. That case was transferred to and filed to Case No. 06-625 in this district on March 27, 2006. In each case Gorea challenges a final order of deportation issued by an

Immigration Judge. The cases were assigned to us but referred to Magistrate Judge Thomas M. Blewitt for preliminary consideration.

On April 25, 2006, Magistrate Judge Blewitt filed a report in each case recommending that pursuant to the Real ID Act the cases should be consolidated and the consolidated habeas petition dismissed because this court lacks jurisdiction.

Objections to the report of a Magistrate Judge may be filed within 10 days after the report is served on the parties. M.D.Pa. Local Rule 72.31. Gorea has not filed objections to the reports of Magistrate Judge Blewitt. The matter became ripe for decision on May 12, 2006. When no objections are filed to the report of a Magistrate Judge, we need only review that report as we in our discretion deem appropriate. *Thomas v. Arn*, 474 U.S. 140, 151-52 (1985).

In an 11-page report filed in each case Magistrate Judge Mannion explained why the cases should be consolidated and the consolidated habeas petitions dismissed. We will not repeat that explanation other than to state that this court does not have jurisdiction to entertain a challenge to a final order of deportation. In order to challenge the final order of deportation, Gorea is required to file a petition for review with the Court of Appeals for this circuit. *Kamara v. Attorney General*, 420 F.3d 202, 209 (3d Cir. 2005).

We find no error in Magistrate Judge Blewitt's report and because no objections have been filed to it, we shall adopt it as our own, consolidate the above-captioned cases and dismiss the

consolidated habeas petitions.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The report of Magistrate Judge Blewitt filed in each of the above cases on April 25, 2006, is adopted in toto.

2. Gorea's applications to proceed in forma pauperis are granted solely for the purpose of filing the petitions.

3. Gorea's motion to stay deportation (Doc. 4) filed in Civil No. 06-804 is denied.

4. The Clerk of Court is directed to consolidate Civil No. 06-804 into Civil No. 06-625.

5. The Clerk of Court shall close Civil No. 06-804.

6. The consolidated habeas petitions are dismissed.

7. The Clerk of Court shall close Civil No. 06-625.

8. The Clerk of Court shall send a copy of this order to Magistrate Judge Blewitt.

9. Any appeal from this order will be deemed frivolous, without probable cause, and not taken in good faith.

s/Malcolm Muir
MUIR, U.S. District Judge

MM:gs